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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,012

02/17/2004

Michael Fred Hoge

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7590

10/17/2006

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EXAMINER

GABOR, OTILIA

ART UNIT

PAPER NUMBER

2884

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,012	<b>Applicant(s)</b> HOGE, MICHAEL FRED	
	<b>Examiner</b> Otilia Gabor	<b>Art Unit</b> 2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2006 has been entered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6, 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claims are asking for a flexible member with a first and a second side, which member has a scintillating array positioned on the first side and a collimator array on the second side. This inherently means that the flexible member is sandwiched between the scintillating array and the collimating array, and yet the claims further

require that the flexible member be positioned in between the scintillating array and the collimating array. The fact that the scintillating array is positioned on one side of the flexible member and the collimating array on the other side of the member means that the member is positioned between these two arrays, and thus requiring the extra step of now positioning the flexible member in between these arrays does not make sense. The claims are therefore not enabled by the specification.

NOTE: for examination purposes the Examiner considers this limitation to not have patentable weight.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 7, 8, 11, 13-15, 17-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dobbs et al. (U. S. Patent 5,487,098).

Dobbs discloses a detector assembly for imaging, and method of making the assembly, the assembly comprising: a flexible member (28) comprising a first side and a second side; a first scintillator array (scintillators in detector 92 in detector module 24) positioned on the first side of the member (28); a first collimator array (collimators 22 in collimator module 26); and a plurality of diode assemblies (photodiodes in detector 92 in detector module 24). Dobbs discloses a plurality of detector modules (24) positioned on

one side of the flexible member (28), where each of the detector modules (24) comprises a plurality of detectors (92), each detector formed of a scintillator coupled to a photodiode. On the other side of the flexible member (28) there is a plurality of collimator modules (26) where each module comprises a plurality of collimators (22). Thus, because each detector module comprises an array of scintillators and photodiodes and each collimator module comprises an array of collimators, it follows that the flexible member (28) comprises on one side a first and second array of scintillators and photodiodes (for at least two modules) and on the second side a first and second array of collimators (for at least two collimator modules). Thus, the flexible member (28) is positioned between the array of scintillators and the array of collimators. Dobbs also discloses that each of the detector modules and collimator modules contain at least two pins that are alignment datums whereby the collimators, the scintillators and the photodiodes are aligned one to the other and on the member (28) (see Col.7, line 14-Col.8, line 52 and Figs. 1-6). Dobbs discloses that having detector and collimator modules with alignment datums assures that each of the modules can be aligned properly and replaced with another modules without having difficulties in aligning the new module with the other modules in the array. The optical coupling between the scintillator, photodiode and collimators are through the alignment system, namely the alignment datums assure that there is optical coupling between these elements. Dobbs discloses that the imaging system is made by aligning each individual collimator modules with the respective detector module that comprises the scintillators and photodiodes on the flexible member (28) with the help of flexible members (30). Dobbs

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discloses the imaging system as containing the above detection system as well as a radiation source and a computer that is operationally coupled to the source (see fig.1).

The member (28) in the imaging system in Dobbs is bent into an arc and then positioned to receive radiation from a radiation source (12). Also, since each of the modules have their own individual alignment datums, when positioned next to each other, the datums will be separated by a certain distance (D) from each other.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbs.

Regarding claims 6 and 16 Dobbs fails to disclose that the flexible member (28) comprises graphite, however it would have been obvious to one having ordinary skill in the art to have the member include graphite since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use (*In re Leshin*, 125 USPQ 416).

Regarding claim 12 Dobbs fails to disclose a plurality of N detector modules on a first member and a plurality of M detectors on a second member, where the detector assemblies are different in size and where M is different than N, however, it would have

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been obvious to have the detector modules in Dobbs have different number of detectors and therefore one module have M detector and a second module have N detectors, for there is no limitation in Dobbs that the module have to have the same number of detectors.

### ***Response to Arguments***

8. Applicant's arguments filed 09/26/2006 have been fully considered but they are not persuasive. The argument that the reference does not disclose positioning the flexible member between the scintillating array and the collimating array is not persuasive because of reasons as clearly disclosed above.

### ***Conclusion***

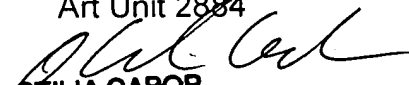
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Otilia Gabor whose telephone number is 571-272-2435. The examiner can normally be reached on Monday-Friday between 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Otilia Gabor  
Primary Examiner  
Art Unit 2884

  
**OTILIA GABOR**  
**PRIMARY EXAMINER**